SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok **Tuesday 1st August, 2006** **No. 228**

GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL A.R. & TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS, & EMPLOYMENT SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME
GANGTOK

No.J(116)/24/GEN/DOP **Dated: 28/7/2006**

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules namely;-

1. Short title and commencement:-

(1) These rules may be called the Sikkim State Labour Service Rules, 2006.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definition: -

In these rules, unless the context otherwise requires;-

(a) " Appointed Day " means the date from which the provisions of these rules come into force ;

(b) " Commission " means the Sikkim Public Service Commission ;

(c) " Committee " means the Committee constituted under Sub-Rule (1) of Rule 9 ;

(d) " Cadre post " means any of the posts specified under column 2 of Schedule– I ;

(e) " Controlling Authority " means the Government in the Department of Personnel Administrative Reforms, Training, Public Grievances, Career Options and Employment Skill Development and Chief Minister's Self Employment Scheme in respect of Group 'A' and 'B' posts and the Department of Labour in respect of Group 'C' post;

(f) " Schedule " means the Schedule appended to these rules ;

(g) " Government " means the Government of Sikkim ;

(h) " Governor " means the Governor of Sikkim ;

(i) " Member of the service " means a Member of the Sikkim State Labour service ;

(j) " service " means the Sikkim State Labour Service ;

(k) " State " means the State of Sikkim ;

(l) " Year " means the financial year commencing on the 1st day of April and ending on the 31st day of March next following;

3. Constitution of service:-

(1) There shall be constituted the service called the Sikkim State Labour Service consisting of persons appointed to the Service under rule 6 and 7;

(2) The authorized strength and composition of the service shall be as indicated in Schedule –I at the initial constitution and shall be as determined by the Governor from time to time;

(3) The scale of pay attached to the posts specified in Schedule-I shall be such as may be prescribed by the Governor from time to time. On the appointed day, the scale of pay admissible to the members of the Service shall be as shown in Schedule-II.

4. Members of the service:-

(1) The following persons shall be the member of the services, namely:-

(a) persons appointed under rule 6 and

(b) persons appointed under rule 7

(2) A person appointed under clause (a) of sub-rule (1) shall on such appointments be deemed to be a member of the service in the appropriate Grade applicable to him in Schedule-I.

(3) A person appointed under clause (b) of sub-rule (1) shall be a member of the service in the appropriate Grade applicable to him in Schedule-I from the date of such appointment;

5. Appointment and posting:-

(1) All appointment to the cadre post after the appointed day shall be made by the Governor by the method specified in rule 7 and save as provided in sub-rules (2) and (3), no cadre post shall be filled otherwise than by a member of the service.

(2) Any cadre post may be filled up as a temporary measure by a person from another department of the Government having the requisite qualification and experience on deputation if the Government is satisfied that there is no suitable member of the service available for filling the post.(3) Notwithstanding anything

contained in sub-rules (1) and (2), the Government shall have the right to fill up any cadre post by obtaining Officers of similar service on deputation from the Central or other State Government for any period of time.

(4) A member of the service may, in public interest, be posted by the Government outside the service or any other Government or under an organization under such terms and conditions as may be specified by the Government;

6. Initial constitution of the service:-

All persons holding, on the appointed day, any of the cadre posts, otherwise than as purely temporary arrangement or on contract or on deputation from Central or any other State Government shall be deemed to have been appointed to the corresponding post and grades in the service;

7. Method of recruitment to the service:-

(1) Recruitment to the service shall, with effect from the date of publication of these rules, be by the following methods, namely:-

(a) Competitive Examination to be held by the Commission,

(b) Promotion from amongst persons holding substantive appointment in schedule II.

(2) The proportion of vacancies to be filled in any year in accordance with clause (a) of sub-rule (1) shall be 100% by direct recruitment.

8. Recruitment by promotion:-

(1) The Government shall, every year for the purpose of recruitment to the service under clauses (b) of sub-rule (1) of rule 7, prepare a list of names of persons in order of seniority who have, on the first day of that year, completed not less than six years continuous service under the Government as Labour Inspector.

(2) The Government shall forward to the Commission the list of persons referred to in sub-rule (1) together with their Character Rolls and Service record and Annual Property Return for preceding six years indicating the anticipated number of vacancies to be filled by promotion in course of the period of twelve months commencing from the date of preparation of the list.

(3) The Commission shall prepare a final list of persons who are found to be suitable for promotion to the Service on an overall relative assessment of the service records and interview.

(4) The number of persons to be included in the list shall not exceed twice the number of vacancies to be filled by promotion.

(5) The Commission shall forward the list prepared under sub-rule (3) to the Government along with all the Character Rolls and Service record and Annual Property Return received from the Government.

(6) The list shall ordinarily be in force for a period of twelve months from the date of the recommendation of the Commission.

9. Selection Committee:-

(1) There shall be a Selection Committee consisting of the following, namely:-

(a) Chairman, Sikkim Public Service Commission.

(b) Member, Sikkim Public Service Commission.

(c) Secretary to the Government,Department of Personnel Administrative Reforms, Training, Public Grievances, Career Options & Employment Skill Development and Chief Minister's Self Employment Scheme.

(d) Secretary to the Government, Home Department.

(e) Secretary to the Government to be nominated by the Government.

The Commission may co-opt any expert/subject specialist to assist the Selection Committee in making the selection.

(2) The Chairman or where the Chairman is unable to attend, the member of the Commission shall preside over the meeting of the Selection Committee. The absence of the Member other than the Chairman or Member of the Commission shall not invalidate the proceeding of the Committee if more than half the members of the Selection Committee had attended its meeting.

(3) The Government shall prepare and forward to the Commission a list of names of the Officers under clauses (b) of sub-rule (1) of rule 7 together with their Character Rolls and Service records and Annual Property Return for preceding five years duly indicating the number of the anticipated vacancies to be filled by Selection in the course of the period of twelve months from the date of preparation of the list.

(4) On receipt of the relevant records and information the Commission shall convene a meeting of the Selection Committee. The Selection Committee may adopt their own procedure and method for screening the Officers with a view to assessing their suitability for appoint to the service.

(5) The Selection Committee shall prepare a list arranged in order of merit of the Officers who have found suitable for appointment to the service. The number of Officers included in the list shall not exceed twice the numbers of vacancies to be filled by selection in course of the period of twelve months from the date of the recommendation of the Commission.

(6) The Commission shall forward the list prepared under these rules to the Government along with all the Character Rolls, Service record and Annual Property Return received from the Government.

(7) The list shall ordinarily be in force for a period of twelve months from the date of the recommendation of the Commission.

10. Appointment to Service from the two lists:-

(1) The Government shall make appointment of persons included in the list prepared and recommended under rule 9 to the service in the order in which their names appear in the list.

(2) It shall not ordinarily be necessary to consult the Commission before such appointments are made unless during the period of twelve months from the date of the recommendation of the Commission there occurs a deterioration in the work of the person which in the opinion of the Government is such as to render him unsuitable for appointment to the Service.

11. Recruitment by Competitive Examination:-

(1) A Competitive examination for recruitment to the service shall be held at such intervals as the Government may, from to time, determine.

(2) The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Government may, from time to time, make.

(3) Of the number of vacancies to be filled up on the results of each examination, there shall be reservation in favour of candidates belonging to Scheduled Castes and Scheduled Tribes, Most Backward Classes and Other Backward Classes to the extent and subject to the conditions as the Government may, from time to time, prescribe.

(4) Subject to sub - rule (3) the Commission shall forward to the Government a list arranged in order of merit of the candidates who have qualified by such standards as the Commission may determine.

(5) The inclusion of a candidate's name in the list prepared under sub-rule (4) shall confer no right to appointment to the Service.

12. Conditions of eligibility for appearing at the Competitive Examination. In order to be eligible to complete at the Competitive Examination, a candidate must satisfy the following conditions, namely,-

(a) Minimum educational qualification: (i) Degree in Law from a recognized University and (ii) Should be able to speak, read and write atleast one of the State languages, viz. Nepali, Lepcha, Sikkimese-Bhutia and Limboo.

(b) Should have attained the age of 18 years but should not have attained the age of 30 years. The maximum age limit may be relaxed up to 5 years in respect of candidates belonging to Scheduled Castes and Scheduled Tribes and three years for Most Backward Classes and Other Backward Classes candidates

(c) Any other conditions that may be specified by the Government.

(d) Should pay the fees if any specified by the Commission.

13. Attempt at the Examination: –

No candidates shall be permitted to compete more than three times at the Competitive Examination.

Note – A candidate shall be deemed to have competed at the examination if he actually appears in any one or more subjects.

14. Disqualification for admission to examination:-

Any attempt on the part of the candidate to obtain support for his candidature by any means shall render him liable to be disqualified for admission to the competitive examination by the Commission.

15. Commission's decision final: -

The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final. A candidate, to whom certificate for admission to the examination has not been issued by the Commission, shall not be admitted to the examination.

16. Appointment from the list: –

Subject to the provision of rules 17, 18 and 19, candidates will be considered for appointment to the available vacancies in the order in which their names appear in the list.

17. Disqualification for appointment on ground of plural marriage: –

No person,-

(a) who has entered into or contracted marriage with a person having a spouse living, or.

(b) who having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the Service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law or customs applicable to such person and the other party to the marriage, exempt any person from the operation of these rules.

18. Penalty for impersonation etc. –

A candidate who is or has been declared by the Commission guilty of impersonation or of submitting false or fabricated document which have been tempered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination hall or otherwise resorting to any other irregular or improper means for obtaining admission to the examination may, in addition to rendering himself liable to a criminal prosecution, be debarred either permanently or for a specified period,-

(a) by the Commission from admission to any examination or appearing at any interview held by the Commission for selection of candidates and

(b) by the Government from employment under the Government.

19. Disqualification for appointment on medical ground: -

No candidate shall be appointed to the service who after such medical examination, as the Government may prescribe, is not found to be physically and mentally fit and free from any mental or physical defect likely to interfere with the discharge of the duties of the service.

20. Probation:-

(1) Every person recruited to the service by Competitive Examination shall be appointed to the service on probation for a period of two years.

(2) Every person recruited to the service by promotion or selection shall be appointed to the service on probation for a period of one year.

(3) The Government may, if it so think fit in any case or class of cases, extend the period of probation by a period not exceeding two years.

21. Confirmation:–

Where a probationer has completed his period of probation to the satisfaction of the Government he shall, subject to the other provisions of these rules, be confirmed in the service at the end of his period of probation.

22. Seniority of Officers: –

The seniority inter-se of the officers appointed to the service under these rules shall be determined in accordance with the Sikkim State Services (Regulation of Seniority) Rules, 1980, as amended from time to time.

23. Promotion to Senior Scale/ Selection Grade of Service:-

(1) The Selection Committee constituted under sub-rule (1) of rule 9 shall also be the Selection Committee for the purpose of promotion of the members of the service to the Senior Scale and Selection Grades of the service.

The Chairman or where the Chairman is unable to attend, the Member of the Commission shall preside over the meeting of the Selection Committee. The absence of member, other than the

Chairman or Member of the Commission, shall not invalidate the proceedings of the Committee if more than half the members of the Committee had attended its meeting.

(2) The Government shall, from time to time, for the purpose of sub-rule (1) prepare list of names of the members of the service in order of seniority who have completed the prescribed length of service for promotion to the next higher grade on the first day of that year.

(3) The Government shall forward to the Commission the list prepared under sub-rule (2) along with the Character Rolls, service records and Annual Property Return of the period the members of the service has to complete the required number of years of service for promotion indicating the anticipated vacancies to be filled up by promotion in course of twelve months commencing from the date of preparation of the list.

(4) The Commission after satisfying themselves that the records and information complete in all respect have been received will convene a meeting of the Selection Committee. The Selection Committee shall prepare a final list of Officers who are found suitable for promotion on an overall relative assessment of their confidential reports and service records.

(5) The Commission shall forward the list prepared under sub-rule (4) to the Government along with all the Character Rolls, service records and Annual Property Return received from the Government.

(6) The list shall ordinarily be in force for a period of twelve months from the date of recommendation of the Commission.

(7) The Government shall order promotion of members of the service included in the list prepared in the order in which their names appear in the list.

(8) It shall not ordinarily be necessary to consult the Commission before such promotion is made unless during the period of twelve months from the date of the recommendation of the Commission there occurs a deterioration in the work of the member of the service which in the opinion of the Government is such as to render him unsuitable for promotion.

24. Training:-

(1) A probationer who has been appointed to the service shall, on appointment to the service, undergo such training and for such period as the Government may direct.

(2) All the members of the service shall, in a span of every two years, undergo one training course successfully either at Accounts and Administrative Training Institute, Gangtok or State Institute of Rural Development, Karfectar or any other training institute outside the State. The requirement of undergoing this training will be applicable only upto the age of 50 (fifty) years of the Government servant and will be compulsory for promotion of the Government servants to the next higher grade and failure to undergo such training course will render denial of promotion when due and the next in the line will be considered.

25. Discharge of a Probationer: –

A Probationer shall be liable to be discharged from the service or, as the case may be, reverted to his substantive post,-

(a) If he fails to pass the Departmental Examination, or if the Government is satisfied that the probationer was ineligible for recruitment to the service or is unsuitable for being a member of the service, or.

(b) If he is found lacking in qualities of mind and character needed for the service or in the constructive outlook and human sympathy needed in the public services generally, or

(c) If he fails to comply with any one of he provisions of these rules.

26. Strength and composition of the service:-

(1) The strength and composition of the service shall be as determined by the Government from time to time.

(2) On the date of publication of these rules, the strength and composition of the service shall be as shown in Schedule- I.

(3) The Government may add temporarily to the cadre one or more posts created for a specific period or temporary basis, carrying duties and responsibilities closely analogous to the cadre posts.

Provided that the scale of the post temporarily added to the Cadre shall also be the same as that of the cadre posts to which it corresponds.

27. Scale of Pay:-

(1) The scale of pay admissible to the member of the service shall be as determined by the Government from time to time.

(2) On the date of publication of these rules, the scale of pay admissible to the members of the service shall be as shown in Schedule-II.

28. Administrative Control: -

(1) The control over the service including appointment, transfer and deputation in respect of Group 'A' and Group 'B' posts shall vest with the Government in the Department of Personnel Administrative Reforms, Training, Public Grievances, Career Options and Employment Skill Development and Chief Minister's Self Employment Scheme.

(2) The control over the service including appointment, transfer and deputation in respect of Group 'C' posts shall vest with the Government in the Labour Department.

(3) The headquarters of Group 'A' and 'B' Officers of the service shall not be changed save with the concurrence of the Department of Personnel Administrative Reforms, Training, Public Grievances, Career Options and Employment Skill Development and Chief Minister's Self Employment Scheme.

(4) A member of the service shall not be transferred from one Department to another or from a Department to any Corporation, Company, Undertaking or body save with the concurrence of the Department of Personnel Administrative Reforms, Training, Public Grievances, Career Options and Employment Skill Development and Chief Minister's Self Employment Scheme both for the transfer and for the terms and conditions proposed or stipulated for such transfer.

29. Residuary matters:-

All other matters in relation to the service not specified or for which no provision has been made in these rules shall be regulated by rules and orders applicable to other Officers of the Government of equivalent status.

30. Interpretation: -

If any question arises as to the interpretation of these rules, the decision of the Government thereon shall be final

31. Power to relax:-

Where Government is of the opinion that it is necessary or expedient to do so, it may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or cadre posts.

BY ORDER AND IN THE NAME OF THE GOVERNOR

SPECIAL SECRETARY TO THE GOVERNMENT
DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS, TRAINING, PUBLIC GRIEVANCES, CAREER OPTIONS & EMPLOYMENT SKILL DEVELOPMENT AND CHIEF MINISTER'S SELF EMPLOYMENT SCHEME

[SCHEDULE-I]
STRENGTH AND COMPOSITION OF THE SIKKIM STATE LABOUR SERVICE
(See rule 3(2))

Sl. No.	Designation of Posts	Strength	Method of Recruitment	Age for direct recruitment	Minimum education & other qualification educational required
1.	Peshkar	01	100% by direct recruitment through open competitive examination	18-30 years. Relaxable by 5 years in case of SC/ST and 3 years for MBC/OBC candidates.	Degree in Law
2.	Labour Inspector	10	100% by direct recruitment through open competitive examination	18-30. Relaxable by 5 years in case of SC/ST and 3 years for MBC/OBC candidates.	Degree in Law
3.	Assistant Labour Commissioner	04	100 % by promotion from amongst Labour Inspector who have completed 6 (Six) years of continuous service as Labour Inspector.	N\A	N/A
4.	Deputy Labour Commissioner	04	100% by promotion on seniority-cum-merit with 6 (Six) years of continuous service as Assistant Labour Commissioner	N/A	N/A
5.	Joint Labour Commissioner	02	100% promotion on seniority-cum-merit with 6 (Six) years of continuous service as Deputy Labour Commissioner	N\A	N/A

[SCHEDULE-II]

(See rule 3 (3))

[SCALE OF PAY OF THE SIKKIM STATE LABOUR SERVICE]

1. **PESHKAR : [Rs. 4000-100-6000]**
(Group 'C')
This shall be the scale of pay for the post of Peshkar.

2. **Labour Inspector : [Rs. 5000-150-8000]**
(Group 'C')
This shall be the scale of pay for the post of Labour Inspector.

3. **Junior Grade: [Rs. 7000-225-11500]**

This shall be the scale of pay for the post of Assistant Labour Commissioner

4. **Senior Grade: [Rs. 9000-300-13800]**

This shall be the scale of pay for the post of Deputy Labour Commissioner.

5. **Selection Grade: [Rs. 11000-350-16250]**

This shall be the scale of pay for the post of Joint Labour Commissioner.